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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,015	11/26/2003	Ronald W. Wortley	11984.5	1784
7590	05/09/2005		EXAMINER	
KIRTON & McCONKIE 1800 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 48111			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/723,015	WORTLEY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Cassandra Davis	3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 February 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4, 6-9, 11, 13, 15-23, 25 and 26 is/are rejected.

7)  Claim(s) 5, 10, 12, 14, 24 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

This office action is in response to the amendment filed February 22, 2005.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-9, 11, 13, 15-23, and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Schweikert, US 2003/0066218.

With respect to claims 1, 11, 13, 15, 16, 17, 18, 19, 22, 23, and 25, Schweikert teaches catheter information ring 110 comprising an identification member 124, and a cross member 112 attached to the identification member, wherein the cross member transverses a hose clamp 170 to retain the identification member 124 adjacent the clamp independently of the hose on which the hose clamp is located. (See figures 1, 2, 4-9).

With respect to claim 2, the identification member is in the form of a plate. (See figures 1-12).

With respect to claim 3, Schweikert also teaches a stabilizing plate 130 attached to the cross member 112 so the stabilizing plate is substantially parallel the identification plate.

With respect to claims 4, 25, and 21, the stabilizing plate taught by Schweikert is be removable retained substantially adjacent the clamp. The information ring is adapted to selectively inserted and removed from the clamp both independently of the clamp in one embodiment and independently of the hose or conduit in another embodiment.

With respect to claim 6, the identification device substantially matches the contours of the hose clamp so no portions of the identification device substantially protrude beyond the hose clamp. (See paragraph 0042).

With respect to claim 7, the identification device is secured adjacent the hose clamp to reduce or prevent movement of the identification device independent of the hose clamp. The information ring is adapted to have the hose or conduit extend through opening 122.

With respect to claim 20, the opening 22 allow the information ring to engage the hose or conduit.

#### ***Allowable Subject Matter***

3. Claims 5, 10, 12, 14, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments, see pages 2 and 3 of applicant's remark, filed February 22, 2005, with respect to the rejection(s) of claim(s) 1-4, 6-9, 11, 13, 14-23 and 25-26 under 35 U.S.C. 102 (b) as being anticipated by Schweikert, 2003/0066218 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made of claim(s) 1-4, 6-9, 11, 13, 14-23 and 25-26 under 35 U.S.C. 102 (e) as being anticipated by Schweikert, 2003/0066218.

Paragraph (e) states "A person shall be entitled to a patent unless – the invention was described in an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent. The Schweikert publication was October 4, 2002 with priority to provisional application number 60/327,514, filed October 5, 2001. The filing date of Schweikert is before the filing date of the present application, which is April 10, 2003 with priority to provisional application filed November 26, 2002.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
May 4, 2005